

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

## PCT

### WRITTEN OPINION

(PCT Rule 66)

<b>To:</b> MARY ANTHONY MERCHANT JONES & ASKEW, LLP 2400 MONARCH TOWER 191 PEACHTREE STREET, N.E. ATLANTA, GEORGIA 30326
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Date of Mailing <i>(day/month/year)</i>	<b>18 FEB 2000</b>
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Applicant's or agent's file reference 01005-0101WP	<b>REPLY DUE</b> within ONE months from the above date of mailing
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International application No. PCT/US98/24272	International filing date <i>(day/month/year)</i> 13 NOVEMBER 1998	Priority date <i>(day/month/year)</i> 14 NOVEMBER 1997
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International Patent Classification (IPC) or both national classification and IPC IPC(6): A61L 15-06; and US Cl.: 424/78.06
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Applicant ACRYMED
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1. This written opinion is the <u>first</u> (first, etc.) drawn by this International Preliminary Examining Authority.	
2. This opinion contains indications relating to the following items:	
I <input checked="" type="checkbox"/>	Basis of the opinion
II <input type="checkbox"/>	Priority
III <input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step or industrial applicability
IV <input type="checkbox"/>	Lack of unity of invention
V <input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI <input type="checkbox"/>	Certain documents cited
VII <input type="checkbox"/>	Certain defects in the international application
VIII <input type="checkbox"/>	Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.	
<b>When?</b>	See the time limit indicated above. <del>The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).</del>
<b>How?</b>	By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.
<b>Also</b>	For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 <i>bis</i> . For an informal communication with the examiner, see Rule 66.6.
<b>If no reply is filed,</b> the international preliminary examination report will be established on the basis of this opinion.	
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: <u>14 MARCH 2000</u>	

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  KELVIN HART
Facsimile No. (703) 305-3230	Telephone No. (703) 306-4543

## I. Basis of the opinion

1. This opinion has been drawn on the basis of *(Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed").*);

- ☒ the international application as originally filed.
- ☒ the description, pages 1-24 , as originally filed.  
pages NONE , filed with the demand.  
pages NONE , filed with the letter of \_\_\_\_\_.
- ☒ the claims, Nos. 1-19 , as originally filed.  
Nos. NONE , as amended under Article 19.  
Nos. NONE , filed with the demand.  
Nos. NONE , filed with the letter of \_\_\_\_\_.
- ☒ the drawings, sheets/fig 1, 2 , as originally filed.  
sheets/fig NONE , filed with the demand.  
sheets/fig NONE , filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

3. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>8, 10</u>	YES
	Claims <u>1-7, 9</u>	NO
Inventive Step (IS)	Claims <u>11-19</u>	YES
	Claims <u>1-10</u>	NO
Industrial Applicability (IA)	Claims <u>1-19</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-7 and 9 lack novelty under PCT Article 33(2) as being anticipated by the patent to Nangia et al. Nangia et al. disclose a non-gelable polysaccharide comprising the claimed characteristics, and features.

Claims 8 and 10 lack an inventive step under PCT Article 33(3) as being obvious over Nangia et al. in view of Haynes et al. The antimicrobial wound healing, the growth factors of Haynes et al. being used in the membrane of Nangia et al. would not involve an inventive step because the membrane of Haynes et al., the dressing of Nangia et al. have similar composition, and use.

Claims 11-19 meet the criteria set forth in PCT Article 33(2)-(4).

----- NEW CITATIONS -----

US, A, 5,660,854 (HAYNES et al.) 26 AUGUST 1997, col. 4, lines 15-34.

WRITTEN OPINION

International application No.

PCT/US98/24272

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**TIME LIMIT:**

THE TIME LIMIT SET FOR RESPONSE TO A WRITTEN OPINION MAY NOT BE EXTENDED. 37 CFR 1.484(d). ANY RESPONSE RECEIVED AFTER THE EXPIRATION OF THE TIME LIMIT SET IN THE WRITTEN OPINION WILL NOT BE CONSIDERED IN PREPARING THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT.